

# **EXHIBIT 29**

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF WASHINGTON  
3 AT SEATTLE  
4

5 In Re: )  
6 )  
7 ) No. 2:21-cv-00563-JCC  
8 VALVE ANTITRUST LITIGATION )  
9 )  
10 )

11 VIDEO-RECORDED DEPOSITION UPON ORAL EXAMINATION OF  
12 THOMAS GIARDINO  
13

14 \*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*  
15

16 9:04 A.M.  
17 THURSDAY, NOVEMBER 2, 2023  
18 701 FIFTH AVENUE, SUITE 5100  
19 SEATTLE, WASHINGTON  
20

21  
22  
23 Reported by: Tami Lynn Vondran, CRR, RMR, CCR/CSR  
24 WA CCR #2157; OR CSR #20-0477; CA CSR #14435  
25 Job Number 6276475

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PEGGY OLDENBURG, Concierge - Via Zoom

## I N D E X

## EXAMINATION BY:

PAGE:LINE

Mr. Wolfson .....9: 2

(Afternoon Session) Mr. Wolfson .....163:10

## EXHIBITS FOR IDENTIFICATION

MARKED

Exhibit 178 Email Exchange from Tom Giardino, ..30:15  
dated 3/14/18, VALVE\_ANT\_0263439

Exhibit 179 Email Exchange from Tom Giardino, ..42: 7  
dated 4/19/19, VALVE\_ANT\_0265435

Exhibit 180 Email Exchange from Tom Giardino, ..64:16  
dated 5/23/17, VALVE\_ANT\_0598921

Exhibit 181 Email Exchange from Izumi .....90:12  
Chunovic, dated 9/21/18,  
VALVE\_ANT\_1191414

Exhibit 182 Email Exchange from DJ Powers, .....98:13  
dated 2/15/18, VALVE\_ANT\_1186878

Exhibit 183 Email Exchange from Tom .....103:12  
Giardino, dated 12/6/19,  
VALVE\_ANT\_1198639

Exhibit 184 Email Exchange from Jon Pile, .....128:22  
dated 7/26/17, VALVE\_ANT\_2966472

1 stop selling the game on Steam if we couldn't treat our  
2 customers fairly."

3 Your words again?

4 A. Yes, that's right.

5 Q. Now, was it just poor choices of words to tell  
6 this publisher that you would just stop selling the game  
7 on Steam if they sold it for lower elsewhere?

8 A. I think I expressed to Markus that we'd ask to  
9 get that same lower price, and that -- that's the  
10 outcome we're hoping for. We would like that lower  
11 price on our store as well.

12 Q. And if they didn't, you would say "or just  
13 stop selling the game on Steam."

14 That was the consequence; right?

15 A. That's not a consequence or outcome that I  
16 recall actually happening.

17 Q. But it's one you threatened here, isn't it?

18 A. No. I disagree.

19 Q. Okay. So when you were -- when your words to  
20 this publisher are that if they sold it for lower, Steam  
21 would just -- Valve would just stop selling the game on  
22 Steam, your testimony to this jury is that that's not  
23 some kind of implicit threat?

24 A. No. I don't believe that's a threat.

25 Q. All right. And then Mr. Heinsohn says, "We

1 But in reality, no, I don't -- I'm not aware  
2 of times that we've stopped selling games altogether.

3 Q. Okay. What you're telling Mr. Heinsohn, when  
4 he's asking specifically about the Steam key guidelines  
5 that they have to commit to, those various  
6 understandings, is that -- what you've said is, "We've  
7 often opted not to promote games or stop selling them  
8 altogether if we aren't able to get fair treatment for  
9 our users"; right?

10 A. I can read back the email again if that's  
11 helpful. I'm not sure what you're asking.

12 Q. Well, I'm saying that, once again -- or I'm  
13 asking, once again, you have indicated to a publisher  
14 that Valve's practice -- often practice is, among other  
15 things, to not -- to stop selling a game if they're sold  
16 for less elsewhere; right?

17 A. Yeah. As I've said before, it's a poor choice  
18 of words and doesn't accurately reflect, as far as I  
19 know, something we actually do on the store.

20 Q. Okay.

21 A. It is important to us to offer -- try to give  
22 our customers a good price. But it's poorly phrased by  
23 me.

24 Q. It's poorly phrased because it's -- well,  
25 never mind.